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**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

Case No. 1H 2008 310

KARLA PATRICIA GRANADOS  
1943 S. Adelbert Avenue  
Stockton, CA 95215

**STATEMENT OF ISSUES**

Applicant / Respondent.

Complainant alleges:

**PARTIES**

1. Stephanie Nunez (Complainant) brings this Statement of Issues solely in her official capacity as the Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs.

2. On or about May 12, 2008, the Respiratory Care Board of California, Department of Consumer Affairs received an application for a Respiratory Care Practitioner License from Karla Patricia Granados (Respondent). On or about May 6, 2008, Karla Patricia Granados certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Board denied the application on September 9, 2008.

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JURISDICTION

3. This Statement of Issues is brought before the Respiratory Care Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 3710 of the Code states: "The Respiratory Care Board of California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter 8.3, the Respiratory Care Practice Act]."

5. Section 3718 of the Code states: "The board shall issue, deny, suspend, and revoke licenses to practice respiratory care as provided in this chapter."

6. Section 3732 of the Code states:

"(a) The board shall investigate an applicant for a license, before a license is issued, in order to determine whether or not the applicant has the qualifications required by this chapter.

"(b) The board may deny an application, or may order the issuance of a license with terms and conditions, for any of the causes specified in this chapter for suspension or revocation of a license, including, but not limited to, those causes specified in Sections 3750, 3750.5, 3752.5, 3752.6, 3755, 3757, 3760, and 3761."

7. Section 3750 of the Code states:

"The board may order the denial, suspension or revocation of, or the imposition of probationary conditions upon, a license issued under this chapter, for any of the following causes:

"(d) Conviction of a crime that substantially relates to the qualifications, functions, or duties of a respiratory care practitioner. The record of conviction or a certified copy thereof shall be conclusive evidence of the conviction.

"(g) Conviction of a violation of any of the provisions of this chapter or of any provision of Division 2 (commencing with Section 500), or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of this chapter or of any provision

1 of Division 2 (commencing with Section 500).”

2 “(j) The commission of any fraudulent, dishonest, or corrupt act which is  
3 substantially related to the qualifications, functions, or duties of a respiratory care  
4 practitioner.”

5 8. Section 3752 of the Code states:

6 “A plea or verdict of guilty or a conviction following a plea of nolo  
7 contendere made to a charge of any offense which substantially relates to the  
8 qualifications, functions, or duties of a respiratory care practitioner is deemed to be  
9 a conviction within the meaning of this article. The board shall order the license  
10 suspended or revoked, or may decline to issue a license, when the time for appeal  
11 has elapsed, or the judgment of conviction has been affirmed on appeal or when an  
12 order granting probation is made suspending the imposition of sentence,  
13 irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing  
14 the person to withdraw his or her plea of guilty and to enter a plea of not guilty,  
15 or setting aside the verdict of guilty, or dismissing the accusation, information, or  
16 indictment.

17 9. California Code of Regulations, title 16, section 1399.370, states:

18 “For the purposes of denial, suspension, or revocation of a license, a crime  
19 or act shall be considered to be substantially related to the qualifications, functions  
20 or duties of a respiratory care practitioner, if it evidences present or potential  
21 unfitness of a licensee to perform the functions authorized by his or her license or  
22 in a manner inconsistent with the public health, safety, or welfare. Such crimes or  
23 acts shall include but not be limited to those involving the following:

24 “(a) Violating or attempting to violate, directly or indirectly, or assisting or  
25 abetting the violation of or conspiring to violate any provision or term of the Act.”

26 “(b) Conviction of a crime involving fiscal dishonesty theft, or larceny.”

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1 COST RECOVERY

2 10. Section 3753.5, subdivision (a) of the Code states:

3 "In any order issued in resolution of a disciplinary proceeding before the  
4 board, the board or the administrative law judge may direct any practitioner or applicant  
5 found to have committed a violation or violations of law to pay to the board a sum not to  
6 exceed the costs of the investigation and prosecution of the case."

7 11. Section 3753.7 of the Code states:

8 "For purposes of the Respiratory Care Practice Act, costs of prosecution  
9 shall include attorney general or other prosecuting attorney fees, expert witness fees, and  
10 other administrative, filing, and service fees."

11 12. Section 3753.1 of the Code states:

12 "(a) An administrative disciplinary decision imposing terms of probation  
13 may include, among other things, a requirement that the licensee-probationer pay the  
14 monetary costs associated with monitoring the probation."

15 FIRST CAUSE FOR DENIAL OF APPLICATION

16 (Conviction)

17 13. Respondent's application is subject to denial under code sections  
18 3750(d), 3750(g) 3752 and CCR 1399.370(a) and (b) [substantially-related conviction] in  
19 that on or about December 13, 1999, Respondent was convicted of violating Penal Code  
20 section 470 [check forgery.] The circumstances are as follows:

21 14. On or about November 16, 1999, Stockton Police Officer Susan  
22 Stagnaro interviewed respondent regarding a report of a forged check. Respondent agreed  
23 to talk with the Officer and admitted that while she was employed as a caregiver at the  
24 Swain Center Lodge, she took a check from T.A., a patient, without his knowledge or  
25 consent. She stated that she wrote the check to "Check and Go" in the amount of \$275.00  
26 and signed T.A.'s name. She then cashed the check at Check and Go and used the money  
27 to fix her car. She stated that she later repaid the money in the form of a money order for  
28 \$285.00 for the amount of \$275.00 and a \$10.00 charge for the check.

1                   15.     On or about November 29, 1999, a criminal complaint titled *People*  
2 *of the State of California vs. Karla Patricia Granados*, case no. SP99-56511 was filed in  
3 San Joaquin County Superior Court. Count 1 charged respondent with violating Penal  
4 Code section 470, forgery of a check, a misdemeanor.

5                   16.     On or about December 13, 1999, Respondent was convicted on her  
6 plea of guilty to Penal Code section 470. She was sentenced to three years probation, and  
7 ordered to pay fines and restitution, and serve ten days in the custody of the Sheriff to be  
8 served through the Sheriff's alternative work program.

9                   17.     Therefore, Respondent's application is subject to denial under code  
10 sections 3750(d), 3750(g) 3752 and CCR 1399.370(a) and (b) [substantially-related  
11 conviction.]

12                               SECOND CAUSE FOR DENIAL OF APPLICATION

13   (Dishonest Act)

14                   18.     Paragraphs 14 through 16 above are incorporated herein.

15                   19.     Respondent's application is subject to denial based on her dishonest  
16 act of forging a check belonging to a patient in violation of code section 3750(j).

17   PRAYER

18                   WHEREFORE, Complainant requests that a hearing be held on the matters  
19 herein alleged, and that following the hearing, the Respiratory Care Board issue a decision:

20                   1.     Denying the application of Karla Patricia Granados for a  
21 Respiratory Care Practitioner License;

22                   2.     Directing Karla Patricia Granados to pay the Respiratory Care  
23 Board of California the costs of the investigation and enforcement of this case, and if  
24 placed on probation, the costs of probation monitoring;

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3. Taking such other and further action as deemed necessary and proper.

DATED: January 20, 2009

Original signed by: \_\_\_\_\_  
STEPHANIE NUNEZ  
Executive Officer  
Respiratory Care Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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